

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPKO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195 (SHS) (OTW)

Daily News, LP; Chicago Tribune Company,
LLC; Orlando Sentinel Communications
Company, LLC; Sun-Sentinel Company,
LLC; San Jose Mercury News, LLC; DP
Media Network, LLC; ORB Publishing,
LLC; and Northwest Publications, LLC

Plaintiffs,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

Civil Action No. 1:24-cv-3285 (SHS) (OTW)

The Center for Investigative Reporting, Inc.

Plaintiffs,

v.

OPENAI, INC.,

Defendant.

Civil Action No. 1:24-cv-04872 (SHS) (OTW)

DECLARATION OF JENNIFER B. MAISEL

I, Jennifer B. Maisel, pursuant to 28 U.S.C. § 1746, declare as follows:

1 I am an attorney at Rothwell, Figg, Ernst & Manbeck, P.C., which represents Plaintiffs The New York Times Company (“The Times”) and Daily News, LP et al. (“Daily News”) (collectively, the “News Plaintiffs”) in this case. I submit this declaration on behalf of the News Plaintiffs in support of the News Plaintiffs’ Letter Motion regarding discovery into all versions of Microsoft’s Copilot chatbot and inspection of Microsoft’s Deucalion LLM. I have personal knowledge of the facts set forth in this declaration. If called as a witness, I could and would competently testify as to these facts under oath.

2 Microsoft and News Plaintiffs met and conferred on February 27, 2025, to discuss Microsoft limiting its discovery into Copilot to include only deprecated versions and not the current version of the Copilot chatbot. During the meet and confer, Microsoft pointed to an October 1, 2024 blog post by Mustafa Suleyman, Executive Vice President and CEO of Microsoft AI, as introducing the “refreshed” Copilot. Exhibit 1 attached hereto is a true and correct copy of the October 1, 2024 blog post by Mustafa Suleyman, available at <https://blogs.microsoft.com/blog/2024/10/01/an-ai-companion-for-everyone/>.

3 Attached as Exhibit 2 is a true and correct copy of a Copilot user session, using the “refreshed” Copilot product, which outputs article text from The New York Times.

4 Attached as Exhibit 3 is a true and correct copy of a Copilot user session, using the “refreshed” Copilot product, which outputs article text from Chicago Tribune.

5 Other than alleging that the “refreshed” Copilot is built on a different architecture and has different documents and custodians that are relevant to it than the deprecated Copilot, Microsoft has not otherwise explained how the refreshed and deprecated Copilot products differ from each other.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 31st day of March, 2025.

/s/ Jennifer B. Maisel

Jennifer B. Maisel